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Attorney General of Hawaii

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Attorneys for Defendant
CLARE E. CONNORS, in her
Official Capacity as the Attorney
General of the State of Hawaii

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TODD YUKUTAKE and DAVID
KIKUKAWA,

Plaintiffs,

vs.

CLARE E. CONNORS, in her
Official Capacity as the Attorney
General of the State of Hawaii,

Defendant.

CIVIL NO. 19-00578 JMS-RT

DEFENDANT CLARE E. CONNORS,
IN HER OFFICIAL CAPACITY AS
THE ATTORNEY GENERAL OF THE
STATE OF HAWAII'S ANSWER TO
FIRST AMENDED VERIFIED
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF;
CERTIFICATE OF SERVICE

DEFENDANT CLARE E. CONNORS, IN HER OFFICIAL CAPACITY
AS THE ATTORNEY GENERAL OF THE STATE OF HAWAII'S
ANSWER TO FIRST AMENDED VERIFIED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF

Defendant Clare E. Connors, in her Official Capacity as the Attorney General of the State of Hawaii ("Defendant"), by and through her attorneys, Caron M. Inagaki and Kendall J. Moser, Deputy Attorneys General, hereby answers the First Amended Verified Complaint for Declaratory and Injunctive Relief ("the Complaint") filed on October 30, 2020.

FIRST DEFENSE:

The Complaint fails to state any claim upon which relief can be granted against Defendant.

SECOND DEFENSE:

a. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 1, 2, 16, 17, 18, 19, 20, 21, 22, 24, 26, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 46, 47, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and 85 of the Complaint.

b. For her answer to paragraph 3 of the Complaint, Defendant admits that she is the Attorney General of the State of Hawaii, admits that her place of business is located at 425 Queen Street, Honolulu, Hawaii 96813, and is without

knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 3 of the Complaint.

c. For her answer to paragraph 4 of the Complaint, Defendant admits that this Court has subject matter jurisdiction over this action.

d. For her answer to paragraph 5 of the Complaint, Defendant admits that venue is proper with this Court.

e. For her answers to paragraphs 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 23, 27, 28, 31, 32, 42, 45, 48, and 82 of the Complaint, Defendant states that the authorities cited in those paragraphs speak for themselves. Further, paragraph 9 contains conclusions of law, not assertions of fact, and is therefore denied.

f. Defendant denies the allegations in paragraphs 25, 49, 79, 80, 83, 84, 86, and 87 of the Complaint.

g. For her answers to paragraphs 78 and 81 of the Complaint, Defendant realleges her answers to the allegations realleged in those paragraphs.

h. Defendant denies each and every other allegation in the Complaint not heretofore admitted, controverted, and/or specifically denied.

THIRD DEFENSE:

Under the Eleventh Amendment to the Constitution of the United States, Defendant is immune from suit in federal court on Plaintiffs' claims.

FOURTH DEFENSE:

Plaintiffs' claims are barred by the doctrine of sovereign immunity.

FIFTH DEFENSE:

Defendant did not personally participate in or cause the deprivations complained of.

SIXTH DEFENSE:

Based on the allegations in the Complaint, Defendant cannot formulate all of her defenses at this time, and reserves the right to amend her answer to include additional affirmative defenses if and when discovery justifies the same.

WHEREFORE, Defendant requests that the Complaint be dismissed with prejudice and that she be awarded her reasonable attorney's fees and costs and such other relief as this Court deems appropriate.

DATED: Honolulu, Hawaii, April 12, 2021.

STATE OF HAWAII

CLARE E. CONNORS
Attorney General
State of Hawaii

/s/ Kendall J. Moser
KENDALL J. MOSER
Deputy Attorney General

Attorney for Defendant
CLARE E. CONNORS, in her
Official Capacity as the Attorney
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